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10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN FRANCISCO DIVISION

13 UNITED STATES OF AMERICA,) No. 3:18-MJ-70674 JCS
14 Plaintiff,) [PROPOSED] ORDER OF DETENTION
15 v.)
16 BRIAN GUTIERREZ VILLASENOR,)
17 Defendant.)
18 _____)
19

20 Defendant Brian Gutierrez Villaseñor has been charged by complaint with distribution of cocaine
21 in violation of 21 U.S.C. § 841(a)(1). The defendant made an initial appearance on May 17, 2018. The
22 matter was first set for a detention hearing on May 25, 2018, and was continued several times at the
23 request of the defendant. The detention hearing was ultimately held on June 22, 2018. The defendant
24 was present and represented by retained counsel James Bustamante.

25 Pretrial Services submitted a report that recommended release with specified conditions, and a
26 representative of Pretrial Services was present at the hearing. The government moved for detention, and
27 the defendant opposed. Proffers and arguments regarding detention were submitted by the parties at the
28 hearing. In addition, the government submitted a written memorandum in support of the detention

1 motion.

2 Upon consideration of the facts, proffers and arguments presented at the hearing and in the
3 government's written motion, and for the reasons stated on the record, the Court finds by a
4 preponderance of evidence that no condition or combination of conditions will reasonably assure the
5 appearance of the defendant. Accordingly, the defendant is ordered detained pending trial.

6 This order supplements the Court's findings and order at the detention hearing and serves as
7 written findings of fact and a statement of reasons as required by 18 U.S.C. § 3142(i)(1). As noted on
8 the record, the Court makes the following findings as a basis for its conclusion that no condition or
9 combination of conditions will reasonably assure the appearance of the defendant. The defendant fled
10 upon arrest by jumping out the window. It appears that the defendant intended to take two firearms with
11 him while fleeing, including a loaded pistol, which showed a particularly strong determination to flee.
12 In addition, the defendant had six firearms, as well as a large quantity of ammunition (including an
13 extended magazine), in his room. The defendant allegedly participated in a dark net drug trafficking
14 conspiracy, and even if he did not have a role in running the vendor website, his actions show that he
15 was familiar with operations on the dark net. In addition, the defendant had over \$600,000 flowing
16 through his accounts. Even if most of that money has been spent, as the defense claims, the defendant
17 bought expensive jewelry, collectors' edition shoes, collectors' edition comic books, and other items that
18 he failed to disclose to Pretrial Services when asked about his savings and assets. The defendant also
19 told Pretrial Services that he was employed as a janitor at Encoding.com, which was not true. These
20 facts demonstrate that no conditions or combination of conditions will reasonably assure defendant's
21 appearance at further proceedings in this case.

22 Pursuant to 18 U.S.C. § 3142(i), IT IS ORDERED THAT:

23 1. Defendant Brian Gutierrez Villaseñor be, and hereby is, committed to the custody of the
24 Attorney General for confinement in a corrections facility separate, to the extent practicable, from
25 persons awaiting or serving sentences or being held in custody pending appeal.

26 2. Defendant be afforded reasonable opportunity for private consultation with counsel; and

27 3. On order of a court of the United States or on request of an attorney for the government,
28 the person in charge of the corrections facility in which the defendant is confined shall deliver defendant

1 to an authorized United States Marshal for the purpose of any appearance in connection with a court
2 proceeding.

3 IT SO ORDERED.

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5 DATED: June 27, 2018

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7 THE HONORABLE JOSEPH C. SPERO
8 Chief United States Magistrate Judge
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